

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:07-CV-466

UNITED STATES OF AMERICA,

Respondent.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the Report and Recommendation.

ORDER

As no objections were filed, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The government's motion to dismiss is **DENIED** with respect to the claim that counsel failed to file a notice of appeal on movant's behalf and **GRANTED** in all other respects.

SIGNED at Beaumont, Texas, this 16th day of August, 2010.

A handwritten signature in cursive script that reads "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE